

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

JAMES WHITE,

Plaintiff,

-v.-

9:07-CV-1147
(FJS/DEP)

MURRAY, Sergeant, Great Meadow
Correctional Facility, *et al.*,

Defendants.

APPEARANCES:

JAMES WHITE, *pro se*

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

DECISION AND ORDER

The Clerk has sent to the court a complaint filed by James White ("plaintiff" or "White ") who is presently incarcerated at the Upstate Correctional Facility. White has not filed an application to proceed *in forma pauperis*, and has paid the filing fee required for this action.

In his *pro se* complaint, plaintiff alleges that the defendants have used excessive force on him and denied him medical treatment. For a complete statement of plaintiff's claims, reference is made to the complaint filed herein.

The court notes that White has asserted claims against two "John Doe" defendants in this action. The United States Marshals Service can only effect service of a summons and complaint on identifiable individuals. The plaintiff is therefore directed to take reasonable steps to ascertain the identities of these defendants. Upon

learning the identities of these individuals, plaintiff must then file a motion to amend his complaint to seek leave of the Court to add such individuals, by name, as defendants to this lawsuit. If the plaintiff fails to ascertain the identity of any John Doe defendant so as to permit timely service of process, this action will be dismissed as against that defendant.

Finally, the court notes that the clerk has issued a summons, and forwarded it plaintiff, for service on the named defendant.

WHEREFORE, it is hereby

ORDERED, that the clerk shall forward a copy of the summons and complaint by mail to the Office of the New York State Attorney General, together with a copy of this order, and it is further

ORDERED, that the plaintiff shall arrange for service of process on the defendants in accordance with the Federal Rules of Civil Procedure, and file proof of service with the court, and it is further

ORDERED, that a response to plaintiff's complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the defendants, and it is further

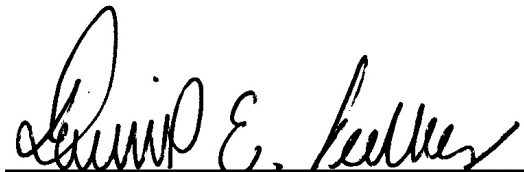
ORDERED, that all pleadings, motions and other documents relating to this action be filed with the clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of same was mailed to all

opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing. Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in plaintiff's address; his failure to do same will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the court, and it is further

ORDERED, that the plaintiff take reasonable steps to ascertain the identities of the two John Doe defendants that purportedly violated plaintiff's civil and/or constitutional rights and, if appropriate, file a motion to amend his complaint and add such individuals, by name, as defendants to this lawsuit, and it is further

ORDERED, that the clerk serve a copy of this order on the plaintiff by regular mail.


David E. Peebles
U.S. Magistrate Judge

Dated: November 1, 2007

Syracuse, NY